IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 21673 of 2007(E)

PETITIONER:

HARILAL, HEAD CLERK,BLOCK DEVELOPMENT
OFFICE, MUTHUKULAM, ALAPUZHA.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

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1. THE PRINCIPAL SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER, COMMISSIONERATE
OF RURAL DEVELOPMENT, THIRUVANANTHAPURAM.

3. THE BLOCK DEVELOPMENT OFFICER,
MUTHUKULAM.

BY GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.21673/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE ORDER NO.ESTT.A4/24190/2003/CRD, DTD 19.8.06 OF R2.

EXT.P2 COPY OF THE ORDER OF THE OFFICE OF R2 VIDE NO.ESTT.A4/24190/2003/CRD DTD 17.10.06.

EXT.P3 COPY OF THE ORDER NO.OF THE SENIOR ADMINISTRATIVE OFFICE, OFFICE OF THE R2 DTD 13.6.07.

EXT.P4 COPY OF THE ORDER NO.27466/ESTT.C3/06/CRD DTD 10.7.2007.

/TRUE COPY/

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V. GIRI, J.

W.P.(C).NO.21673 OF 2007-E

Dated this the 7th day of December, 2007.

JUDGMENT

The petitioner while working as Head Clerk at Ponnani requested for a transfer either to Kollam or Kottayam District. He is a native of Oachira in Kollam District. Under Ext.P1, the petitioner was transferred from Ponnani to Anchal in Kollam Distict. Ext.P1 shows that the transfer is on request. But later under Ext.P2 dated 17.10.2006 the petitioner was transferred to Kaduthuruthy in the then existing vacancy. According to the petitioner, this was also on request. The respondents contend that this transfer was a compulsory transfer and therefore, the petitioner has to continue there for at least one year. Apparently, though the petitioner joined Kaduthuruthy pursuant to Ext.P2, he had made a request for a posting nearer to his home in Kollam or in Alappuzha District. It seems that under Ext.P3, petitioner's request was accepted and he was posted at Muthukulam in Alappuzha District by order dated 13.6.07. But, later by Ext.P4 order dated 10.7.2007 the petitioner was directed to be retained in

Kaduthuruthy itself on the ground that as per the general norms of transfer, persons subjected to compulsory transfer shall be retained in the same station for one year. Apparently, the petitioner did not complete one year at Kaduthuruthy pursuant to Ext.P2. It is Ext.P4, that has been challenged in this writ petition. The petitioner now continues at Muthukulam under an order of stay passed by this Court. The respondents point out that as per the general norms regulating transfer, the petitioner was bound to be retained in Kaduthuruthy to which station he was transferred on compulsory basis r for a period of at least one year on duty. The petitioner did not complete the same. Without noticing this, he was given a posting in Muthukulam.

I do not find any grounds to interfere with Ext.P4 which has been explained sufficiently by the respondents. The petitioner may, therefore, complete one year altogether at Kaduthuruthy and his request for transfer to some other station may be considered after he completes one year at Kaduthuruthy. Subject to this right of the petitioner, which he is entitled to pursue in an appropriate manner, this writ petition is disposed of

V. GIRI, JUDGE.

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